

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

TOM LINGO,

Appellant

v.

MIDWEST BLOCK AND BRICK, INC.,

Respondent

DOCKET NUMBER WD71501

DATE: April 13, 2010

Appeal From:

Labor and Industrial Relations

Appellate Judges:

Division Three: James Edward Welsh, P.J., Mark D. Pfeiffer and Karen King Mitchell, JJ.

Attorneys:

George J. Miller, Eureka, MO,

Counsel for Appellant

Attorneys:

Thomas V. Clinkenbeard, Kansas City, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**TOM LINGO, Appellant, v. MIDWEST
BLOCK AND BRICK, INC., Respondent**

WD71501

Industrial Relations Commission

Before Division Three Judges: James Edward Welsh, P.J., Mark D. Pfeiffer and Karen King Mitchell, JJ.

Tom Lingo appeals the Labor and Industrial Relations Commission's partial denial of his workers' compensation claim for permanent total disability benefits. Lingo asserts that the Commission's determination that he did not sustain a traumatic brain injury as a result of an accident that arose out of and in the course of his employment with Midwest Block and Brick, Inc., was not supported by sufficient and substantial evidence and was against the overwhelming weight of the evidence.

AFFIRMED.

Division Three holds:

Lingo did not meet his burden of proving that he sustained a traumatic brain injury that was directly caused by the work accident. Given that no medical evidence established the presence of a traumatic brain injury as a result of the July 21, 1994 work accident, the Commission's decision that Lingo did not sustain a traumatic brain injury as a result of the work accident was supported by sufficient competent and substantial evidence and was not contrary to the overwhelming weight of the evidence.

Opinion by: James Edward Welsh, Judge

April 13, 2010

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